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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

WESTERN SAHARA

Working paper prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	GENERAL	1	2
II.	CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FORTY-FIFTH SESSION	2 - 3	2
III.	GOOD OFFICES OF THE SECRETARY-GENERAL	4 - 18	5
IV.	POLITICAL AND OTHER DEVELOPMENTS	19 - 32	7

I. GENERAL

1. A detailed account of general conditions and developments related to Western Sahara was provided in a previous working paper on the Territory (A/AC.109/695).

II. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FORTY-FIFTH SESSION

2. At the forty-fifth session of the General Assembly, reference was made to the question of Western Sahara by a number of representatives during their statements in plenary meetings (see A/45/PV.5-11 and 13-29). An account of the Fourth Committee's consideration of the item at the same session is given in the related report of the Committee to the Assembly (A/45/685 and Corr.1).

3. On 20 November 1990, on the recommendation of the Fourth Committee, the General Assembly adopted without a vote resolution 45/21 on the question of Western Sahara. The resolution reads as follows:

"The General Assembly,

"Having considered in depth the question of Western Sahara,

"Recalling the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling its resolution 44/88 of 11 December 1989,

"Recalling resolution AHG/Res.104 (XIX) on Western Sahara, 1/ adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

"Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the joint proposals of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to the holding of a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in cooperation with the Organization of African Unity,

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"1/ For the text, see General Assembly resolution 38/40, para. 1.

"Recalling further Security Council resolution 621 (1988) of 20 September 1988 concerning the question of Western Sahara,

"Noting with satisfaction the appointment on 19 January 1990 of Mr. Johannes Manz as Special Representative of the Secretary-General for Western Sahara,

"Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 2/

"Having also examined the report of the Secretary-General, 3/

"Reiterating its support for the joint good offices process initiated in New York on 9 April 1986 by the then Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to promoting a just and definitive solution of the question of Western Sahara, in accordance with resolution AHG/Res.104 (XIX) and General Assembly resolution 40/50 of 2 December 1985,

"1. Takes note with appreciation of the report of the Secretary-General;

"2. Reaffirms that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

"3. Welcomes with satisfaction the report submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara, 4/ which was unanimously approved by the Council in its resolution 658 (1990) of 27 June 1990;

"4. Notes with appreciation the dispatching to Western Sahara and to neighbouring countries of the technical mission in order to refine the administrative aspects of the outlined plan 5/ and to obtain the necessary information for the preparation of a further report of the Secretary-General to the Security Council containing, in particular, an

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"2/ A/45/23 (Part VI) and (Part VI)/Corr.1, chap. IX.

"3/ A/45/644 and Corr.1.

"4/ S/21360.

"5/ Ibid., part II.

estimate of the cost of the United Nations Mission for the Referendum in Western Sahara;

"5. Expresses its full support for the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and definitive solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50;

"6. Urges the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to continue and intensify their efforts with a view to resolving the remaining problems and thus to fulfil the necessary conditions for the holding of a referendum for self-determination of the people of Western Sahara, without any administrative or military constraints, organized and supervised by the United Nations in cooperation with the Organization of African Unity;

"7. Reaffirms its conviction that the direct dialogue between the two parties to the conflict could contribute to the completion of the joint good offices process of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations, to the restoration of peace in Western Sahara and to stability and security in the whole region;

"8. Appeals once again to the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to display the cooperation and the political good will necessary for the completion of the peace process with a view to a speedy settlement of the question of Western Sahara;

"9. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its forty-sixth session;

"10. Invites the Secretary-General of the Organization of African Unity to keep the Secretary-General of the United Nations informed of the progress achieved in the implementation of the decisions of the Organization of African Unity relating to Western Sahara;

"11. Invites the Secretary-General to follow the situation in Western Sahara closely with a view to the implementation of the present resolution and to report thereon to the General Assembly at its forty-sixth session."

III. GOOD OFFICES OF THE SECRETARY-GENERAL

4. An account of a series of contacts and consultations undertaken in 1990 by the Secretary-General of the United Nations in the exercise of his good offices, within the context of General Assembly resolution 44/88 of 11 December 1989, is given in his report of 18 October 1990 to the Assembly at its forty-fifth session (A/45/644 and Corr.1). Since the circulation of that report, the Secretary-General, in close cooperation with the current Chairman of the Organization of African Unity (OAU), has continued to exercise his good offices with the parties concerned.

5. Since January 1990, Mr. Johannes Manz, a national of Switzerland, has been the Special Representative of the Secretary-General for Western Sahara.

6. On 26 February 1991, the Secretary-General met in New York with Mr. Bechir Mustafa, a representative of the Frente Popular para la Liberación de Saguia el-Hamira y de Río de Oro (Frente POLISARIO). The meeting formed part of the Secretary-General's consultations in preparation for his report to the Security Council on Western Sahara, in pursuance of paragraph 5 of the Council's resolution 658 (1990) of 27 June 1990.

7. In April 1991, the Secretary-General submitted to the Security Council the report requested by the Council in its resolution 658 (1990). 1/ After a brief description of the technical mission, the report addressed each of the main elements of the implementation plan contained in paragraphs 48 to 76 of the Secretary-General's report of 18 June 1990, 2/ adding those details that might be of assistance to members of the Security Council in their consideration of his recommendation that the mission should now proceed. The report then amplified the information contained in paragraphs 77 to 82 of document S/21360 about the personnel and financial requirements of the United Nations Mission for the Referendum in Western Sahara (MINURSO), including an estimate of its overall cost. After describing the proposed timetable and plan of action, the report concluded with certain observations, including the recommendation that the Security Council should now decide to establish MINURSO and set a target date, subject to the necessary appropriation action by the General Assembly, for the commencement of its operations in the mission area.

8. On 24 April 1991, in a statement made during the informal consultations of the Security Council, the Secretary-General stated, inter alia, that four essential conditions must be met if MINURSO was to be able to discharge its responsibilities effectively and with complete impartiality:

> "First, MINURSO must at all times have the full support of the Security Council; second, it must operate with the full cooperation of the two parties; third, it must be able to count fully on the cooperation and support of the neighbouring countries, namely, Algeria and Mauritania; ... fourth, the necessary financial resources must be provided by Member States in full and in a timely manner." 3/

9. At its 2984th meeting, on 29 April 1991, the Security Council unanimously adopted resolution 690 (1991), in which, inter alia, it approved the report of the Secretary General; 1/ expressed its full support for the efforts of the Secretary-General for the organization and the supervision, by the United Nations in cooperation with OAU, of a referendum for self-determination of the people of Western Sahara, in accordance with the objectives mentioned in his report; called upon the two parties to cooperate fully with the Secretary-General in the implementation of his plan as described in the report contained in document S/21360 and amplified in his report contained in document S/22464 and Corr.1; decided to establish, under its authority, a United Nations Mission for the Referendum in Western Sahara in accordance with the aforementioned report; decided that the transitional period would begin no later than 16 weeks after the General Assembly approved the budget for the Mission; and requested the Secretary-General to keep the Security Council regularly informed of the implementation of his settlement plan.

10. On 29 April 1991, at a press briefing at Headquarters, Mr. Johannes Manz said that MINURSO, which had been established by Security Council resolution 690 (1991) adopted on that day, was one of the most challenging operations the United Nations had ever undertaken. Because of budgetary constraints, it was essential that it be conducted with utmost efficiency so as to avoid additional costs.

11. At its 75th plenary meeting, on 13 May 1991, the General Assembly decided, on the proposal of the Secretary-General (A/45/241 and Add.1), to include the following item in the agenda of its forty-fifth session:

> 157. Financing of the United Nations Mission for the Referendum in Western Sahara.

12. At its 76th plenary meeting, on 17 May 1991, the General Assembly adopted without a vote, resolution 45/266 entitled "Financing of the United Nations Mission for the Referendum in Western Sahara" and approved, in principle, an allocation of $US 180,617,000 ($US 176,868,000 net) to finance MINURSO for the nine-month mandate period approved by the Security Council. It appropriated an initial $US 143 million ($US 140 million net) for the first six months of the Mission, and decided to consider the appropriations required to finance the Mission for the remaining three months of its mandate upon receipt of a six-month progress report by the Secretary-General. 4/

13. On 25 May 1991, the Secretary-General had a tête-à-tête meeting with the King of Morocco lasting one-and-a-half hours during which they exchanged views on a number of international issues, in particular the United Nations operation in Western Sahara.

14. On 26 May, the Secretary-General spoke to the national and international press at the airport before leaving Rabat. In answer to a question regarding the date of the cease-fire in Western Sahara, he said that he had sent messages to both parties before leaving New York asking them to suggest a time-frame for the cease-fire. "I think, that it will occur very soon", he

said, adding, when pressed, that he hoped it would happen in June. Asked whether he was optimistic, the Secretary-General said he was hopeful and that his goal was to hold the referendum by the end of the year, possibly by the end of November.

15. In a statement before the twenty-seventh ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity, delivered on 3 June 1991, the Secretary-General of the United Nations stated that the negotiations that had led to the adoption of the proposals for the settlement of the Western Sahara question had been conducted with the successive chairmen of OAU, whose advice and support had been indispensable and often decisive. He thanked the Chairman and the Secretary-General of OAU for their cooperation and support in the fulfilment of the responsibilities entrusted to him by the General Assembly and the Security Council towards reaching a peaceful settlement of the question of Western Sahara. 5/

16. Addressing the same Assembly on 4 June 1991, the Secretary-General of OAU stated in the introductory note to his activity report, that "all the conditions had been met to enable the referendum to be organized in Western Sahara in accordance with the peace plan initiated by our continental organization in 1983".

17. The Special Representative of the Secretary-General for Western Sahara held an informal two-day meeting at Geneva to exchange views with representatives of the Government of Morocco and of Frente POLISARIO on matters relating to the preparation for the deployment of MINURSO. It is intended to continue the process of close and informal consultations with all concerned until the cease-fire prior to the referendum. The Special Representative will be taking up his duties at La'youn on 6 September 1991, the date that both parties have accepted for the cease-fire, in response to the proposals made by the Secretary-General. 6/

18. A further report of the Secretary-General on the progress of his good offices will be submitted to the General Assembly at its forty-sixth session.

IV. POLITICAL AND OTHER DEVELOPMENTS

(covering the period from August 1990 to July 1991)

19. On 4 October 1990, in his statement during the general debate in the General Assembly (A/45/PV.21), Mr. Abdellatif Filali, the Minister for Foreign Affairs and Cooperation of Morocco, said that the so-called question of Western Sahara agenda item was directly related to the fundamental interests and destiny of the Kingdom of Morocco. Regardless of those considerations, Morocco had responded to the efforts and good intentions aimed at finding a solution to that conflict within the framework of the United Nations. Therefore, Morocco had agreed in principle to the Secretary-General's proposal made in August 1988 as part of his good offices, in order to reach a settlement of that problem. After welcoming that initiative, Morocco had

pursued the dialogue with the Secretary-General in that regard. Since then, the Secretary-General had visited Morocco many times, where he had had constructive and positive discussions. That had helped him to pursue further his efforts. Morocco had spared no effort in facilitating his mission and cooperating sincerely with him in search of a lasting solution to that problem as soon as possible. In that regard, a new development had taken place recently when the Secretary-General had submitted proposals for a practical settlement. On 30 July 1990, His Majesty King Hassan II had sent a letter to the Secretary-General clarifying Morocco's position on the proposals. Morocco viewed the future with great hope and optimism, and remained guided by the same spirit as in the past regarding the creation of the best conditions which would have led to the desired settlement. The delegation of the Kingdom of Morocco wished to underline, in that forum, Morocco's commitment to a continuing constructive dialogue with the Secretary-General and its readiness to cooperate sincerely with him.

20. At its 15th meeting, on 25 October 1990, the Fourth Committee adopted the draft consensus resolution A/C.4/45/L.2, as orally revised, without a vote on the question of Western Sahara. On 20 November 1990, on the recommendation of the Fourth Committee, the General Assembly adopted the draft resolution without a vote as resolution 45/21 (see para. 3).

21. On 15 February 1991, the Commission on Human Rights meeting at Geneva, adopted, without a vote, a resolution on Western Sahara 7/ similar in content to General Assembly resolution 45/21.

22. At the opening session of the Special Committee on 21 February 1991, the Secretary-General, speaking on the question of Western Sahara, assured the Committee of his continued efforts towards the implementation of the United Nations plan leading to a peaceful, fair and lasting solution to that long-standing problem. He was maintaining contact with the two parties on all aspects of the question. He was confident that, given their cooperation and political will, a solution was now within reach. He hoped, therefore, that the parties would continue to accord particular attention to all issues regarding the implementation of the peace plan (A/AC.109/PV.1377).

23. On 24 April 1991, Frente POLISARIO's representative in Spain, Mr. Hach Ahmed, stated that the Saharans trusted the United Nations supervising measures to guarantee a fair referendum that would decide whether Western Sahara would become an independent State or would become part of Morocco. According to Frente POLISARIO, the start of United Nations arrangements for the holding of the referendum marked the beginning of the count-down for the end of Morocco's occupation of Sahara. 8/

24. In a declaration dated 29 April 1991 by the spokesman for the Algerian Ministry of Foreign Affairs, 9/ Algeria welcomed the unanimous adoption by the Security Council of resolution 690 (1991), which set out the final arrangements for the implementation of the United Nations and OAU plan for a settlement of the question of Western Sahara and approved the establishment of MINURSO. A decisive stage had thus been reached on the path towards a

peaceful, just and final settlement of the question of Western Sahara. Algeria congratulated the Kingdom of Morocco and the Frente POLISARIO on that major achievement in endeavours to secure a settlement of the Western Sahara conflict. It remained convinced that the settlement would have the effect both of consolidating progress made in constructing the Arab Maghreb Union and of promoting peace and stability in the region. Algeria would spare no effort to ensure that the referendum process took place in an atmosphere of calm, confidence and respect for the peace plan adopted by the Security Council.

25. In a note verbale dated 6 May 1991 addressed to the Secretary-General, the Permanent Mission of Mauritania to the United Nations transmitted the following declaration issued by its Ministry of Foreign Affairs and Cooperation:

> "The Islamic Republic of Mauritania welcomes the adoption of Security Council resolution 690 (1991) concerning the modalities for the settlement of the problem of Western Sahara.
>
> "It considers that the measures agreed on provide an opportunity for a just and lasting settlement of this fratricidal conflict and are therefore conducive to strengthening peace and stability in the subregion. Mauritania also welcomes the positive response of the parties concerned and their willingness to cooperate with the United Nations. ... It is prepared to give [the Secretary-General] whatever assistance and cooperation he may deem necessary for the accomplishment of his mission." 10/

26. On 8 April 1991, in a communiqué issued by its Minister for Foreign Affairs, the Government of Uruguay noted with satisfaction the adoption of Security Council resolution 690 (1991) approving the report of the Secretary-General concerning the organization and supervision, by the United Nations in cooperation with OAU, of a referendum for self-determination of the people of Western Sahara. It expressed the hope that the referendum would be a genuine, true and legitimate expression of the will of the Saharan people as a whole and added that it was prepared to cooperate technically with MINURSO. 11/

27. On 9 May 1991, Mr. Abdellatif Filali, State Minister in charge of Foreign Affairs and Cooperation of the Kingdom of Morocco, said that a United Nations-sponsored referendum could be the perfect answer to the Western Sahara territorial dispute. "This could be the ideal solution to the problem", he said. 12/

28. On 17 May 1991, the European Community and its member States issued a statement on Western Sahara welcoming the adoption of Security Council resolution 690 (1991) approving the report of the Secretary-General on the referendum on self-determination, which they believed represented an important step towards a just and lasting settlement of the conflict. They also confirmed their support for the Secretary-General's efforts to implement the final stages of his plan (A/46/183).

29. On 18 May 1991, it was reported that King Hassan II had visited the city of Smara, in the Territory, where tens of thousands of people came to greet him. 13/

30. It was reported on 23 May 1991 that Mr. Mohamed Abdelaziz, Secretary-General of Frente POLISARIO, had stated in an interview that there was not much to negotiate with Morocco regarding the decolonization of Western Sahara; should the Secretary-General of the United Nations believe those negotiations to be useful, however, Frente POLISARIO would meet under the aegis of the Secretary-General. Frente POLISARIO's main concern was independence and sovereignty for Western Sahara. Once those were obtained, he did not foresee any difficulty in reinstating beneficial relations with their Moroccan neighbour. He was convinced that his people would choose independence. 14/

31. In a letter dated 24 May 1991 addressed to the Secretary-General, the Permanent Representative of Venezuela to the United Nations, referring to the adoption of Security Council resolution 690 (1991), expressed his country's support for the Secretary-General's efforts to reach a just and lasting solution of the question of Western Sahara, in particular regarding the organization and supervision by the United Nations, in cooperation with OAU, of a referendum for self-determination. 15/

32. On June 1991, in a communiqué issued by the Foreign Ministry of Japan, it was reported that Japan had decided to grant $US 3.8 million to the Office of the United Nations High Commissioner for Refugees (UNCHR) for a programme to repatriate Saharans before a referendum on the self-determination of Western Sahara. 16/

Notes

1/ S/22464 and Corr.1.

2/ S/21360.

3/ See S/22532.

4/ See United Nations press release GA/8177, 17 May 1991.

5/ See United Nations press release SG/SM/4572, 4 June 1991.

6/ See United Nations press release SG/1888, 28 June 1991.

7/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22-E/CN.4/1991/91).

8/ El País (Madrid), 25 April 1991.

9/ S/22560.

Notes (continued)

10/ S/22578.

11/ S/22579.

12/ Reuters dispatch, Madrid, 9 May 1991.

13/ El País (Madrid), 18 May 1991.

14/ Ibid., 23 May 1991.

15/ A/46/201-S/22646.

16/ See United Nations press release CP/623, 20 June 1991.